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11 On behalf of Defendant John Freshwater.

12 ALSO PRESENT:

13 Mr. James Doe;
14 Ms. Jane Doe;
Mr. John Doe.

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Wednesday Afternoon Session,
October 14, 2009.

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STIPULATIONS

It is stipulated by and among counsel for the
respective parties that the deposition of John
Freshwater, a Defendant herein, called by the
Plaintiffs under the applicable Rules of Civil
Procedure, may be reduced to writing in stenotypy by
the Notary, whose notes thereafter may be transcribed
out of the presence of the witness; and that proof of
the official character and qualification of the
Notary is waived.

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1 JOHN FRESHWATER

2 being by me first duly sworn, as hereinafter
3 certified, deposes and says as follows:

4 CROSS-EXAMINATION

5 By Mr. Mansfield:

6 Q. Good morning, Mr. Freshwater.

7 A. Good morning.

8 Q. Could you give us your full name and your
9 home address for the record, please.

10 A. John David Freshwater, 7760 New Delaware
11 Road, Mount Vernon, Ohio 43050.

12 Q. Have you ever had your deposition taken
13 before?

14 A. No.

15 Q. You've given testimony in the termination
16 proceeding; is that correct?

17 A. Yes.

18 Q. Have you given any other testimony in any
19 other kind of lawsuit or proceeding?

20 A. No, sir.

21 Q. Have you ever been a party to any other
22 lawsuit?

23 A. No.

24 Q. Have you ever been a defendant in any

1 lawsuit where anybody has sued you before?

2 A. No.

3 Q. Have you ever been a witness in any
4 lawsuit?

5 A. No.

6 Q. Okay. I think you understand today that
7 I'm going to be asking you a series of questions.
8 You understand that?

9 A. Yes.

10 Q. And those questions are about the
11 allegations and the claims that are raised in the
12 lawsuit between you and the Doe family, right?

13 A. Yes.

14 Q. And I think you've sat in on enough
15 testimony and depositions in this case so far to
16 understand that when you give me an answer, you need
17 to give a verbal answer, a yes or no. Nods of the
18 head and things of that nature --

19 A. Okay.

20 Q. -- don't work for the court reporter,
21 okay?

22 A. All right.

23 Q. The other thing you need to do is to make
24 sure that I finish my question before you give me an

1 answer so that it's clear that you have heard the
2 entire question and understand what the question is.
3 Okay?

4 A. Yes.

5 Q. And if I ask you a question today and you
6 give me an answer, I'm going to assume that you
7 understood my question; is that fair?

8 A. Yes.

9 Q. Okay. And if you don't understand my
10 question for any reason, feel free to ask me to
11 rephrase it, okay?

12 A. Thank you.

13 Q. All right. Are you on any kind of
14 medications today?

15 A. No.

16 Q. Anything else that would prevent you from
17 giving honest and truthful testimony today?

18 A. No.

19 Q. Where are you currently working?

20 A. I am unemployed.

21 Q. And you've been unemployed since when?

22 A. Since the end of the school year
23 2007-2008.

24 Q. So that would have been approximately

1 June 2008?

2 A. That would be correct.

3 Q. And you finished that 2007-2008 school
4 year at the Mount Vernon Middle School?

5 A. Yes.

6 Q. And then what was your actual date of
7 termination from Mount Vernon City Schools?

8 A. I don't know.

9 Q. Okay.

10 A. I don't know.

11 Q. What notice were you given following the
12 end of the '07-'08 school year to inform you that you
13 wouldn't be coming back for the '08-'09 school year?

14 A. Suspended without pay June 6th -- I
15 want to say June 16th, 2008.

16 Q. And how was that suspension without pay
17 communicated to you?

18 A. Verbal. And written. It was verbal and
19 written.

20 Q. And who told you verbally?

21 A. That would be the administration.

22 Q. Who in the administration?

23 A. That would be the school board and
24 superintendent.

1 Q. So that would be Mr. Short?

2 A. Yes. Yes.

3 Q. Was this communication to you done at a
4 school board meeting?

5 A. I was at the school board meeting when
6 that decision was made, yes.

7 Q. And then following that decision -- I
8 take it there was a vote by the board?

9 A. Yes.

10 Q. And then did the board communicate that
11 to you or did Mr. Short communicate to you that you
12 were suspended without pay?

13 A. I think it was the board when it came
14 back is when I heard it. I can't really remember how
15 that transaction all took place, though.

16 Q. Okay. In any event, you learned on June
17 16th following that board meeting that you were
18 suspended without pay?

19 A. Yes.

20 Q. Are you receiving any sort of benefits as
21 part of that suspension?

22 A. Unemployment.

23 Q. And those are separate benefits you
24 receive from the state of Ohio; is that correct?

1 A. Yes.

2 Q. So you filed for unemployment benefits.

3 A. Yes.

4 Q. Okay. When did you start receiving that?

5 A. You're going to have to ask my wife on
6 that. I can't give you a certain date on that one.

7 Q. Okay.

8 A. I'd say I don't remember.

9 Q. Do you recall generally whether it was in
10 the summer of 2008?

11 A. It would be very late, I would say late
12 summer.

13 Q. Okay.

14 A. That would be probably accurate.

15 Q. All right. And how much do you receive
16 on a weekly or monthly basis in unemployment
17 benefits?

18 A. Like I say, my wife takes care of that.
19 I would say around 400. I would say right around 400
20 on it.

21 Q. \$400 a week?

22 A. No. A week? Yes. I hate to say this,
23 but my wife takes care of that. I apologize on that.

24 Q. Okay.

1 A. My wife takes care of that, sir.

2 Q. So you think it's approximately 400 a
3 week or 1,600 a month; is that fair?

4 A. Yes.

5 Q. And how much more or less is that than
6 you were receiving from your pay as a teacher in the
7 Mount Vernon City Schools?

8 A. Sir, it was direct deposit, my wife took
9 care of that, so I'm not going to sit here and try to
10 do the math on that right now.

11 Q. Do you recall how much you made on an
12 annual basis as a teacher in Mount Vernon City
13 Schools?

14 A. Yeah, I can give you that. I'll say 54-,
15 54- or 55,000 a year.

16 Q. Okay. Now, as part of your teaching
17 position with the Mount Vernon City Schools you had
18 other benefits that you received, for example health
19 insurance and perhaps a 401(k) plan, things of that
20 nature. Did you receive those back then before you
21 received the notice of suspension?

22 A. Can you repeat that again for me, sir?

23 Q. When you were still teaching in the --

24 A. When I was teaching, okay.

1 Q. -- in the 2007-2008 school year, aside
2 from your annual salary you received from the school
3 you also received other benefits, right?

4 A. Yes.

5 Q. And what were those benefits?

6 A. There was health, Benefit Services is our
7 health from the schools and, like I say, doctor.
8 There was no dental with that, there was doctor. It
9 was, I would say it's a standard . . .

10 Q. Okay.

11 A. To be honest with you, I really can't go
12 into any more detail on that.

13 Q. You had health insurance, correct?

14 A. Yes.

15 Q. Did you have any kind of savings plan, a
16 401(k) savings plan, retirement plan?

17 A. No.

18 Q. Okay. Has your health insurance through
19 the school district continued even though you've been
20 suspended without pay?

21 A. Yes. Yes, it has been. Yes, that has
22 been.

23 Q. What are other things that the school
24 provided to you before you were suspended that are

1 continuing today even after you've been suspended?

2 A. That would be it, just the health aspect
3 of it.

4 Q. Are you a member of a teachers union?

5 A. No, I'm not, sir.

6 Q. Are the teachers in the Mount Vernon City
7 Schools, there is a union that represents the
8 teachers there; is that correct?

9 A. Yes.

10 Q. And there's a collective bargaining
11 agreement between that union of teachers and the
12 school district?

13 A. Yes.

14 Q. And are you subject to that collective
15 bargaining agreement?

16 A. I would say I'm not in the union, so I'm
17 really out of the loop on that.

18 Q. Okay. During some of the initial
19 proceedings in this matter, I guess before a lawsuit
20 was even filed, you had representation at some
21 meetings; a woman by the name of Lori Miller. Do you
22 recall that?

23 A. Yes. She's a colleague of mine. Yes.

24 Q. She's not a union representative?

1 A. No, she's not. No. No. No. No, she's
2 not.

3 Q. Lori Miller is another teacher in the
4 school?

5 A. Yes, she is.

6 Q. But she was appearing on your behalf in
7 some of these meetings, is that what you're telling
8 me?

9 A. Yes.

10 Q. Okay. Do you do any other kind of work
11 today to earn money?

12 A. Yes; I've got Christmas trees and apples.

13 Q. So you sell, is it a -- you sell
14 Christmas trees during the holiday.

15 A. Seasonal. Obviously seasonal.

16 Q. Is that something new you've done since
17 you've been suspended, or have you done that in the
18 past?

19 A. Obviously, I grew them nine, ten years
20 ago, and they are just coming into a marketable type
21 of thing the last two, I'll say two years.
22 Obviously, it's kind of slow and then -- so it's
23 within the last two years, yeah.

24 Q. When did you first start selling them;

1 this past Christmas?

2 A. I sold a few the Christmas before that,
3 very few, though, sir.

4 Q. So that would have been Christmas '07 you
5 sold a few; is that right?

6 A. Yes.

7 Q. And then Christmas '08 you sold more.

8 A. Right. Yes.

9 Q. And now Christmas '09, this year --

10 A. Right, which I'm planning on selling.

11 Q. Then you said you also sell apples?

12 A. Yes.

13 Q. I assume you have an orchard?

14 A. Yes.

15 Q. How big is the orchard?

16 A. I've got about 70 apple trees.

17 Q. Is that a you-pick type operation?

18 A. That's rarely. Some people come out, you
19 pick. Mostly I'm selling them on the street or at
20 the farmers market.

21 Q. So you take the produce down to the local
22 farmers market and sell it.

23 A. That's correct.

24 Q. Okay. Any other businesses that you're

1 running currently?

2 A. No. Let me think. Yeah. Just started
3 up this past week doing stump removals. Tree stump
4 removals.

5 Q. Do you own equipment to do that kind of
6 stuff, removals?

7 A. That's a difficult one. I hate to say,
8 that's a difficult one for me to explain. That
9 equipment was a gift.

10 Q. Okay. Well, you have the equipment?

11 A. Oh, yes. I have the equipment, yeah.
12 When you asked that, it's like, well, I have the
13 equipment. I do not -- I don't know, I don't really
14 know if I own it. I don't own it. I'll say I don't
15 own it, but I do have the equipment, yes.

16 Q. So someone has given that equipment to
17 you or you're borrowing it --

18 A. Yes.

19 Q. -- and you're using that equipment for
20 that business.

21 A. Yes.

22 Q. Okay. Do you have a ballpark how much
23 money you earn on an annual basis from the Christmas
24 tree sales, the apple sales, and the stump removal

1 business combined?

2 A. You're going to have to ask my wife on
3 that. I'm embarrassed to say, but I don't know. My
4 wife takes care of that.

5 Q. Okay.

6 A. She just takes care of the income.

7 Q. Since you were suspended have you tried
8 to find employment somewhere else?

9 A. Oh, yes.

10 Q. Where did you look?

11 A. All over Ohio. Obviously, mostly around
12 Knox County and Columbus, Franklin, Mansfield area.

13 Q. Were these teaching positions or --

14 A. Yes.

15 Q. All teaching positions you were looking
16 for.

17 A. Yes. Also even out of state.

18 Q. Okay. And did you have interviews at
19 some schools?

20 A. Few. Very few.

21 Q. At what schools did you happen to land an
22 interview with?

23 A. A phone interview out of state, first
24 time I'd ever done that, and an interview in Marion.

1 That would be it.

2 Q. Were either of those two positions
3 offered to you?

4 A. No.

5 Q. Did those school systems or those schools
6 tell you why they were not -- they had decided not to
7 hire you?

8 A. No.

9 Q. Have you tried to find work aside from
10 teaching since you've been suspended?

11 A. Can I just back up on that last question?

12 Q. Sure.

13 A. Well, I applied to a lot, okay, I even
14 would say 25, 30 -- I'll give you a number on that.

15 Q. Okay.

16 A. -- 25, 30 teaching positions.

17 Q. And you've submitted written
18 applications --

19 A. Yes.

20 Q. -- to 25 or 30 schools?

21 A. All the appropriate ways of doing it,
22 either on the internet or written, you know, whatever
23 method they asked for.

24 Q. And of those 25 or 30, I think what

1 you're telling me is you heard back from 2 that
2 actually wanted to interview you; is that right?

3 A. Yes.

4 Q. And then neither of those two offered you
5 a position.

6 A. Correct.

7 Q. Okay. Of these 25 to 30, were they all
8 public schools?

9 A. No; there were some private schools also.

10 Q. How many private schools out of that mix?

11 A. I'd say four.

12 Q. Those were parochial schools?

13 A. Yeah. Some of them were even on-line
14 schools, school on-line type stuff.

15 Q. Okay.

16 A. But yeah, some were with parochial
17 schools. I can think of three of them.

18 Q. Three of the four --

19 A. Yeah.

20 Q. -- were parochial.

21 A. Yeah, I can think of three. Yes.

22 Q. What were those schools?

23 A. I'm just trying to think. This was
24 just -- some of these might have been just

1 conversations, one was in Delaware, I think it's
2 called Delaware Christian School, World Harvest, and
3 the other one I'm trying to pull up a name, it was
4 down by Reynoldsburg. South of Reynoldsburg. It was
5 a good little distance. South of Reynoldsburg, it's
6 a Christian school, I can't pull up the name right
7 now, sir. It was just kind of off of 270.

8 Q. Did any of those schools communicate to
9 you the result of your application, in other words,
10 why they weren't hiring you?

11 A. I can't remember, sir. There were so
12 many I went through, I don't remember.

13 Q. You don't specifically recall either of
14 these three parochial schools we just talked about
15 calling you and saying "We're not going to hire you
16 and this is why," anything along those lines?

17 A. I don't remember, sir.

18 Q. Of the total of 25 or 30 schools that you
19 applied to did any of them communicate to you why
20 they were not hiring you?

21 A. Yeah. Some of them was because of the
22 situation.

23 Q. Because of your suspension?

24 A. Yes.

1 Q. Okay.

2 A. Because of recognition of a name.

3 Q. And they specifically told you that.

4 A. Did I have anybody who specifically told
5 me that? I'm just running through all June in my
6 brain here, sir.

7 Q. That's fine. What I'm trying to get at
8 is whether these schools actually told you they
9 weren't hiring you because of your suspension or
10 whether it was just sort of your supposition that
11 that was why they were not hiring you.

12 A. Yes, there was one that was very clear it
13 was because of my name.

14 Q. One was very clear?

15 A. Yeah, I recall that.

16 Q. And the others, they didn't say anything
17 to you.

18 A. I would have to go back and -- I'm not
19 sure, sir.

20 Q. As you sit here today you don't recall
21 any others aside from that one specifically telling
22 you.

23 A. Yeah, I can recall one right now.

24 Q. All right. Aside from the 25 to 30

1 school teaching jobs you tried to get have you tried
2 to get any other employment since being suspended?

3 A. Yes.

4 Q. And what was that?

5 A. I got my CDL license, CDL-8 license for
6 bus driving. I got a certification for bus driving.

7 Q. Have you landed a position to drive a
8 bus?

9 A. No.

10 Q. Have you applied anywhere?

11 A. Yeah.

12 Q. And where have you applied?

13 A. That would be Highland schools.

14 Q. The only one you applied to for a bus
15 driving position was Highland schools?

16 A. Yes.

17 Q. And they turned your application down?

18 A. No. My application went all the way
19 to -- they spent all the time with me, name is
20 Belcher, Tim Belcher's brother, devoted an awful lot
21 of time with me, and it went to the school board and
22 they rejected me, with all understanding he thought I
23 would well fit the position.

24 Q. Did the school board give a reason why

1 they were rejecting you?

2 A. The school board told Mr. Belcher.
3 Mr. Belcher told me.

4 Q. What did Mr. Belcher tell you that the
5 school board had communicated to him?

6 A. It was a phone conversation, he said
7 that, he goes "I don't understand why they didn't
8 pick you up at the school board members. I don't
9 know what rejected you. Said no."

10 Q. Did he give you a reason why they
11 rejected you?

12 A. I do believe he said name recognition.
13 Name.

14 Q. Do you intend to try to land a bus
15 driving position at other schools, or apply at other
16 schools I should ask?

17 A. I put most of my emphasis in trying to
18 get back into teaching, so that was my emphasis over
19 the summer.

20 Q. So aside from trying to get a teaching
21 job and this one bus driving position, have you tried
22 to land any other jobs since being suspended?

23 A. The stump grinding, which I found very
24 interesting last week. Short story on it. At a

1 friend's house doing a stump, I think it was the
2 second one I had, second job doing a stump, and a
3 contractor went by, he contracted out the houses next
4 door to remove their trees, that type of thing, and
5 he wanted to subcontract. And I went next door to
6 look at the job, he gave me a business card, that
7 type of thing. The owners wasn't out then, we just
8 looked at it.

9 I think by the time I started it was six
10 or seven trees, stumps, pretty good size stumps, big.
11 Said I might be able to start even today, so I went
12 next door and got started and did two of them.
13 Talked to the owner; nice conversation. My name came
14 up. I didn't -- went home, the contractor called me
15 up the next day and says, "I have to fire you from
16 the job." I said "Why?" "Because of your name." So
17 I couldn't even do stumps.

18 Q. Okay. Aside from these applications and
19 positions we talked about so far are there any other
20 types of jobs that you tried to get since being
21 suspended?

22 A. That's all I can think of now, sir.

23 Q. How long have you been a teacher or how
24 long were you a teacher I guess?

1 A. Twenty-four years.

2 Q. Twenty-four years?

3 A. Twenty-four years, yeah.

4 Q. And was that entire 24-year period in the
5 Mount Vernon City Schools?

6 A. No, it was not.

7 Q. How long were you in Mount Vernon City
8 Schools?

9 A. Twenty-one.

10 Q. And that was from 19 --

11 A. '87.

12 Q. Through the 2008 school year.

13 A. Yeah.

14 Q. And then prior to Mount Vernon where did
15 you teach?

16 A. Idaho. Idaho.

17 Q. All in the same school system?

18 A. In Idaho?

19 Q. Yes.

20 A. Yes. There was a -- I taught during the
21 summer out there; it was in another school system. I
22 would say two. Two different school systems out
23 there, one was during the summer.

24 Q. Okay. So one was during the regular

1 school calendar year.

2 A. Yes.

3 Q. And the other one was a summer position.

4 A. Yes.

5 Q. How long did those two positions last?

6 A. Three years.

7 Q. And that was the first teaching position
8 you had?

9 A. Yes, it was.

10 Q. Where did you go to college?

11 A. Ohio University and Hocking Technical
12 College.

13 Q. Do you have a degree?

14 A. Associate degree from Hocking Tech, a BS
15 from Ohio University.

16 Q. And what's your associate's degree in?

17 A. Recreational wildlife.

18 Q. Did that degree, that's an associate's
19 degree you said?

20 A. Yes.

21 Q. So it's a two-year degree?

22 A. Yes.

23 Q. Did that degree require studying biology?

24 A. There was some biology classes, it was

1 more directed -- it was a technical school so it
2 would be more directed to animals, larger animals, so
3 it wasn't so much -- there was, boy, I'm trying to
4 think. There might have been some -- yes, I'll say
5 yes. Yes, there was biology.

6 Q. And what does a degree in recreational
7 wildlife mean? What kind of a degree was that?

8 A. Rephrase that, would you please?

9 Q. Yeah, you said you obtained -- your
10 degree was an associate's degree in recreational
11 wildlife, correct?

12 A. Yes.

13 Q. Tell me what a degree in recreational
14 wildlife is.

15 A. Positionwise, that type of thing, what
16 would you do when you came out with that type of
17 degree?

18 Q. Why don't we start with what you studied
19 to get that degree.

20 A. Birds, parks, fire, fish, management.

21 Q. So it's a wildlife management type
22 degree --

23 A. Yeah.

24 Q. -- is that right?

1 A. That's where the direction kind of is.
2 You can go a lot of different directions with it.
3 It's a two-year degree so you can kind of take off
4 whatever direction you want. You can go into law
5 enforcement with that, you can go into management
6 with it, parks and rec, national parks, state parks,
7 that kind of thing.

8 Q. What was your intention or what was your
9 focus in that program?

10 A. It's been a long time, sir.

11 Q. Well, let me ask it this way, was your
12 focus on the law enforcement side? Was it on the
13 park management side? What do you recall it being?

14 A. I can't remember, sir.

15 Q. I take it you went to Hocking Technical
16 College first before you went to Ohio University?

17 A. No. I went to OU then Hocking Technical,
18 then back to OU.

19 Q. Okay. What was your degree in from Ohio
20 University?

21 A. It would be in education, biology.
22 Biological science.

23 Q. And as part of that degree, obviously you
24 did coursework in biology; is that right?

1 A. Yeah.

2 Q. Did you do coursework in chemistry?

3 A. Yes.

4 Q. How about coursework in electrical
5 sciences?

6 A. Yes. That's part of it.

7 Q. Any other topic areas that were part of
8 that curriculum for that degree?

9 A. I'd have to go back and look at the
10 syllabus and all that. Four years, I mean . . .

11 Q. I assume it included physical sciences.

12 A. Yes.

13 Q. Okay. So things like geology and
14 paleontology; is that correct?

15 A. Yes.

16 Q. Did it run the --

17 A. Did you say "paleontology"? No.
18 Geology.

19 Q. Geology, but not paleontology?

20 A. I don't remember a course in that, sir.

21 Q. Okay. Did you study paleontology as part
22 of your geology coursework?

23 A. I don't remember, sir.

24 Q. Do you remember receiving any formal

1 training in paleontology? In other words, it being a
2 component of any class you took at Ohio University or
3 Hocking Technical College.

4 A. I don't remember, sir.

5 Q. When did you receive your degree from
6 Ohio University?

7 A. From Ohio University?

8 Q. Yes.

9 A. 1980.

10 Q. And your degree from Hocking Technical
11 College would have been --

12 A. I'll say '78. 1978.

13 Q. Okay. And what did you do immediately
14 following graduation from Ohio University?

15 A. Went on my honeymoon on a fire tower.

16 Q. You got married that summer?

17 A. That December. And then we went to Idaho
18 and spent four or five months on a fire tower in
19 central Idaho.

20 Q. Was that a paid position?

21 A. Yes.

22 Q. Who were you working for?

23 A. The Department of Agriculture.

24 Q. The Idaho Department of Agriculture?

1 A. No, it would be USDA.

2 Q. Okay. And did you get hired for that
3 position coming out of Ohio University?

4 A. Yeah. That was -- yes.

5 Q. How did you end up or happen to end up
6 moving from Ohio to Idaho?

7 A. How? We just drove across.

8 Q. What I'm trying to figure out is how did
9 you end up landing the job with the U.S. Department
10 of Agriculture working in Idaho?

11 A. A lot of volunteer work years before.
12 Volunteering out there through college, I mean in my
13 college years, summers was volunteering out there.

14 Q. So you had gone out there during college
15 during summer breaks --

16 A. Yes.

17 Q. -- to do volunteer work.

18 A. Yes.

19 Q. And you landed this position because they
20 knew of you.

21 A. Yes.

22 Q. And so after you graduated from Ohio
23 University you and your new wife moved to Idaho to
24 work out there for half a year, approximately.

1 A. When did we move out there? Yes.

2 Q. Okay. And then after working for the
3 USDA in Idaho did you then -- what did you then do?

4 A. I continued to work with them in the
5 summers. It's seasonal positions. Excuse me. Those
6 are seasonal positions.

7 Q. Okay.

8 A. And I ended up getting a teaching
9 position there in Idaho, in Ashton, Idaho.

10 Q. And that's the teaching position we were
11 talking about before?

12 A. That was 1984. And that's, yes, that is
13 the teaching position that we were talking about,
14 yes.

15 Q. So you started your teaching position in
16 Ashton, Idaho, in 1984?

17 A. Yes.

18 Q. And then you worked there for
19 approximately three years.

20 A. Three years.

21 Q. And then you moved back to Ohio?

22 A. Yes.

23 Q. And you started at Mount Vernon City
24 Schools.

1 A. Yeah.

2 Q. There was no -- was there any other job
3 between the Ashton, Idaho, school job and the Mount
4 Vernon school job?

5 A. You want all? There's a lot of jobs
6 there, sir. You want those jobs?

7 Q. Well --

8 A. A lot of seasonal jobs. I don't know if
9 that's information that you want or not.

10 Q. Were these seasonal jobs all akin to the
11 USDA job you had?

12 A. Yeah, because it was firefighting, smoke
13 jumping, yeah, those are all -- guard, recreational
14 guard there. Yes, those would be all USDA.

15 Q. I think you said that you went out to
16 Idaho in 1980 and you didn't start your teaching
17 position until 1984. What did you do in that
18 four-year period?

19 A. There was a -- I worked at -- that was
20 not USDA, that was the national parks system, so
21 that's a different system. I worked with -- I'm
22 trying to think of the name of it.

23 I worked with juvenile delinquents. I'm
24 trying to pull up the name here. Tuscarawas County

1 Juvenile Delinquents Developmental Center, something
2 like that. It was in Tuscarawas County, and that was
3 a line staff working up to doing some teaching there
4 and more, a little bit of administration there.

5 Q. And how long was that position at the
6 Tuscarawas juvenile center?

7 A. I'll say three.

8 Q. Three years?

9 A. Three years, yeah.

10 Q. And that was in between, sometime in
11 between --

12 A. Yeah. In that time period, yes.

13 Q. Okay. So you were in Idaho in 1980 and
14 then you were back to Ohio in 1981 roughly? Is that
15 right?

16 A. Yes. Yeah.

17 Q. Then you were back to Idaho in 1984.

18 A. '4, yes.

19 Q. And I'm sorry, how long did you say you
20 were with Tuscarawas; about three years?

21 A. About three years.

22 Q. What were your day-to-day
23 responsibilities at Tuscarawas?

24 A. Working with juvenile delinquents,

1 checking them in. It's been awhile.

2 Q. What was your title there?

3 A. Title. I don't remember.

4 Q. Tell me what you did on a day-to-day
5 basis there.

6 A. Check in the kids when they came in.

7 Q. These are new kids being processed into
8 the school?

9 A. Yeah, did new kid processing, the
10 paperwork involved in that, and making sure they
11 behaved, there were certain rules, lunch, later, I'll
12 call it a recess outside, so I was involved in
13 some -- it wasn't so much -- there was some teaching
14 there.

15 Q. What did the teaching involve?

16 A. They had a scheduled teacher but we
17 would -- almost like a tutor. I would say a better
18 word would be maybe a tutor. That would be probably
19 a better word to describe that one.

20 Q. Okay. And I take it you tutored these
21 kids in whatever subject they happened to need help
22 in.

23 A. Yeah. Yes.

24 Q. So you weren't in a teaching position at

1 the Tuscarawas school.

2 A. No, I was not.

3 Q. And why did you leave the Tuscarawas
4 school?

5 A. That was -- I'll have to add another
6 school in here.

7 Q. Okay.

8 A. It was a training down in Southwestern
9 Technical College in North Carolina I think was the
10 title for it, I was down there for about five months
11 for, it was more law enforcement, national park
12 ranger training. It was a training there. So I was
13 going that direction.

14 Q. So that was a school you attended.

15 A. Yeah. Yes. I apologize, I didn't give
16 you that one earlier.

17 Q. And that was in that 1981 to '84 time
18 frame?

19 A. I would say that would be around '83-'84
20 time period.

21 Q. Had you already left Tuscarawas when you
22 went to the Southwestern Technical College?

23 A. My wife stayed there and I went to
24 school. It was a three-month training, about three

1 months worth of training.

2 Q. And then you received a certificate of
3 some kind from that school?

4 A. Yeah. I received a certificate from
5 that.

6 Q. And what was the certificate in? You
7 were certified to do what?

8 A. Be able to be a national park ranger.
9 Training as needed for being a national park ranger.

10 Q. And were you fired by Tuscarawas --

11 A. No.

12 Q. -- juvenile center?

13 A. No.

14 Q. Why did you leave there?

15 A. More education.

16 Q. And were you fired by the school in
17 Ashton, Idaho?

18 A. Oh, no.

19 Q. Why did you leave there?

20 A. Teaching job in Mount Vernon.

21 Q. Have you ever worked as a national park
22 ranger?

23 A. State park, but not national park.

24 Q. In Ohio or Idaho?

1 A. That would be Ohio. That would be Salt
2 Fork State Park.

3 Q. When did you work there?

4 A. 1980. You notice that's prior --

5 Q. Right.

6 A. -- because it was a position where I kind
7 of shadowed a state park ranger.

8 Q. Okay. So it was an apprenticeship type
9 thing?

10 A. Yeah, that would probably be the best way
11 to describe that one.

12 Q. How long did that last?

13 A. Seasonal. Summer.

14 Q. After you received your certificate from
15 the Southwestern Technical College in North Carolina,
16 you didn't work as a park ranger anywhere?

17 A. No, I did not.

18 Q. Was there a reason for that?

19 A. Yeah. I received, actually received a
20 position to do that in northern Florida, but at the
21 same time I received a position as a smoke jumper in
22 Oregon, and I knew which one I was going to take in
23 that; no question.

24 Q. Okay. So you went to Oregon for some

1 period of time?

2 A. Yes.

3 Q. Okay.

4 A. That was, again, that was a seasonal
5 position.

6 Q. All right. But then after Oregon, was
7 that when you came back to Ohio to teach?

8 A. No. No, because on the way out that's
9 when I received the position in Ashton, Idaho, for
10 teaching.

11 Q. Okay.

12 A. So I got my teaching job shortly after I
13 got the position fighting forest fires.

14 Q. In this training you received to be a
15 park ranger, I take it you learned a lot about safety
16 issues; is that right?

17 A. Sure.

18 Q. You learned about fire safety, obviously.

19 A. In that one, I'd say no. Not fire on
20 that one.

21 Q. I'm asking collectively in all your
22 training to become a park ranger or wildlife
23 management, all these types of trainings that you've
24 gone through, part of the subject matter you've

1 studied has been -- has included safety issues.

2 A. Yes. Yes.

3 Q. And that would include fire safety.

4 A. Yeah.

5 Q. Okay. And it includes safety about
6 working with various types of equipment, I assume.

7 A. Yes.

8 Q. What other types of safety things would
9 you have learned?

10 A. Just from those classes, that's all there
11 was, sir.

12 Q. You mentioned before as part of your
13 degree at Ohio University you had studied the
14 electrical sciences. Did any of your training in the
15 national park areas deal with electricity or training
16 about electricity?

17 A. No.

18 Q. Okay. Have you ever done electrical
19 work?

20 A. No.

21 Q. Have you ever wired a new circuit in your
22 own house?

23 A. With assistance, with somebody, yes.

24 Q. Was that somebody a, I'm not going to

1 report you to the authorities, don't worry, but was
2 that a licensed electrician or not?

3 A. Yes, it was.

4 Q. It was?

5 A. Yes.

6 Q. Okay.

7 A. A colleague of mine.

8 Q. Okay. And that person walked you through
9 the process of --

10 A. Well, he did it or he walked me through
11 some things I could help him with, yes.

12 Q. Was it just on one occasion, or have you
13 done that a number of times?

14 A. That's all I can think of, sir.

15 Q. Okay. When you came to Mount Vernon
16 schools, did you begin as a science teacher?

17 A. Yes. Yes.

18 Q. And for your entire tenure at Mount
19 Vernon City Schools did you always teach science?

20 A. Yes.

21 Q. Were you always an eighth grade science
22 teacher?

23 A. Yes.

24 Q. So for the entire 21 years in Mount

1 Vernon City Schools you were a middle school science
2 teacher.

3 A. Yes.

4 Q. Have you ever taught other subjects from
5 time to time to fill in or to assist when needed?

6 A. No.

7 Q. As part of your schooling -- I take it it
8 was your intention when you got your teaching degree
9 to become a science teacher; is that right?

10 A. Repeat that again.

11 Q. As part of your getting your teaching
12 degree from Ohio University, it sounds to me like it
13 was your intention to become a science teacher.

14 A. Yes. Yes.

15 Q. Okay.

16 A. Yes.

17 Q. So I take it that's the reason for
18 studying all these science subjects while you were at
19 Ohio University.

20 A. Yes.

21 Q. Do you have any science or natural
22 science related hobbies? You mentioned before that
23 you, part of your training was bird watching I think,
24 do you do any of those types of things?

1 A. Yeah. Yes.

2 Q. What types of things are those?

3 A. When I'm just outside working, I recall
4 noticing birds and identifying them.

5 Q. I'm talking about hobbies. Do you have a
6 hobby? I mean, some people have a sailboat, some
7 people --

8 A. My Christmas trees and my apples.

9 Q. Okay. Do you have any other hobbies?

10 A. Fishing. Hunting. Traveling.

11 Q. Traveling?

12 A. Traveling.

13 Q. Have you received any awards from your
14 teaching over the years?

15 A. Yes.

16 Q. What are those awards?

17 A. Would be distinguished teacher award.

18 Q. And how often did you receive that award?

19 A. From Mount Vernon, twice.

20 Q. Do you recall when that was, the years?

21 A. I'm trying to think what they were.

22 Around 2000 and 2006 or '7. '6, '7. Also --

23 Q. And --

24 A. Well, also -- well, that wasn't really an

1 award. Okay.

2 Q. How was the distinguished teacher award
3 decided? I mean, how did that process work?

4 A. You would have to ask administration on
5 that one.

6 Q. I take it someone voted on that award.

7 A. I'm not sure. You'd have to ask
8 administration.

9 Q. Do you know how many teachers each year
10 in the Mount Vernon City -- let's just take the
11 middle school, how many teachers in the middle school
12 receive a distinguished teacher award each year?

13 A. Four.

14 Q. Then do you have an approximate number of
15 how many throughout the school district would receive
16 that distinguished teacher award annually?

17 A. No, I wouldn't, sir.

18 Q. Any other awards you received as a
19 teacher during your tenure at Mount Vernon?

20 A. National teachers magazine.

21 Q. What was that?

22 A. It was an article about teaching fighting
23 fires, they did a interview on that.

24 Q. So that was an interview or a story that

1 appeared --

2 A. Right.

3 Q. -- in a magazine?

4 A. Yes.

5 Q. So that wasn't really an award, it was
6 just --

7 A. Right. That's why I was a little
8 hesitant in telling you that, sir.

9 Q. Okay. Any other awards besides the
10 distinguished teacher award, actual accommodation or
11 award or medal that you received?

12 A. I'll say no.

13 Q. And were these distinguished teacher
14 awards subject specific? In other words, did you
15 receive the award as the outstanding teacher in
16 science, or what were they?

17 A. I wouldn't say subject. I think it's
18 more personal.

19 Q. Just a general teacher award.

20 A. I don't know. You'd have to ask
21 administration. I don't know how they determine or
22 how they come up with it.

23 Q. Okay. Have you ever been fired from any
24 position aside from this current one we're here today

1 on?

2 A. No.

3 Q. Have you ever been convicted of a crime?

4 A. No.

5 Q. You have no criminal record I take it.

6 A. No.

7 MR. DESCHLER: Note my objection.

8 MR. MANSFIELD: Well, we've got to get
9 this straight right now. We can't have both of you
10 guys objecting to the deposition. So I assume
11 Kelly's defending John today; is that right?

12 MR. HAMILTON: We both will be objecting
13 based upon our mutual and distinct representation.

14 MR. MANSFIELD: You can't both object.
15 Only one counsel's permitted to appear on behalf of a
16 witness, I mean, we all know that.

17 MR. HAMILTON: We're here for separate
18 purposes.

19 Q. Now, since you've been suspended without
20 pay from Mount Vernon City Schools you've told me
21 about some of the work you've tried to obtain. Are
22 you receiving -- so you're receiving some money from
23 that work, correct?

24 A. That's correct.

1 Q. And you're receiving money from
2 unemployment benefits, correct?

3 A. That's correct.

4 Q. And as I understand it, you're receiving
5 financial assistance from people in the community as
6 well; is that correct?

7 A. That would be correct.

8 Q. Okay. And I've heard it referred to as a
9 Christian handshake; is that a fair characterization?

10 A. Yeah, that would be fair.

11 Q. And is that money going to you personally
12 as well as to pay your legal fees?

13 A. Yes.

14 Q. Do you have a, I guess you should know,
15 but do you know how much of that money you've
16 received since being suspended?

17 A. You'll have to ask my wife.

18 Q. Okay. She's keeping track of that
19 number, whatever it happens to be?

20 A. Yes, I would guess so.

21 Q. Does your wife work?

22 A. Yes.

23 Q. And where does she work?

24 A. It's a, called Care Net, it's a nonprofit

1 organization in Mount Vernon.

2 Q. What does she do there?

3 A. She would be considered a center
4 director.

5 Q. How long has she worked there?

6 A. Five years.

7 Q. So before you were suspended, and she
8 continues there today --

9 A. Yes.

10 Q. -- after you've been suspended.

11 A. Yes.

12 Q. Okay. And that's a paid position?

13 A. Yes.

14 Q. Aside from your unemployment benefits,
15 the money you received from these businesses we
16 talked about and the Christian handshakes, are you
17 receiving any other form of financial support
18 currently?

19 A. No.

20 Q. Now, we talked about this a little bit
21 before, you were at the board meeting on June 16th,
22 2008, when the board voted to suspend you; is that
23 right?

24 A. Yes.

1 Q. And then shortly after that we've heard
2 testimony in this case that there was a rally on the
3 Square; you're familiar with that?

4 A. Yes.

5 Q. Okay. And do you recall the date of that
6 rally on the Square?

7 A. April 16th, 2008.

8 Q. So that rally actually predated your
9 suspension.

10 A. Yes.

11 Q. And what was the purpose of that rally?

12 A. I didn't -- the purpose behind it.
13 You're going to have to talk to somebody else about
14 that.

15 Q. You attended the rally, though, right?

16 A. Yes. I was there, yes.

17 Q. And you spoke at the rally.

18 A. Very short.

19 Q. Okay. Do you know who created the rally?

20 A. That would have been Coach Daubenmire.

21 Q. That's David Daubenmire?

22 A. Yeah.

23 Q. And you referred to him as "coach."

24 A. Yeah. That's his -- he goes by that. He